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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

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HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO

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CONTENTS

Index	Page
	I
	III

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

MONDAY, MAY 17, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The hearing was resumed at 3:10 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; John G. Adams, counselor to the Army; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Charles A. Haskins, assistant counselor, Department of the Army.

Senator MUNDT. The committee will please come to order.

The Chair would like to begin by welcoming the guests who have come to our committee room, and to state that you are completely welcome insofar as our quarters can accommodate your presence, and to point out that the committee has heretofore passed an order which the Chair has been asked to enforce, to the effect that there must be no manifestations audibly of approval or disapproval at any time or in any way from members of the audience, and that the uniformed officers and the plainclothes men in the room have a prevailing order from the Chair to politely escort from the room immediately anyone who violates the conditions under which he entered the hearing room, which were, of course, to comply with the committee order to refrain completely from audible manifestations of approval or disapproval.

We have had the executive session which was announced by the Chair pursuant to the resolution to adjourn early this afternoon

in order to give us time to have an executive session to discuss the problems growing out of the executive order dated May 17, which precluded Mr. Adams from answering certain questions that certain members of the committee would like to interrogate him about. Since this afternoon's session is undoubtedly going to be devoted, at least in part, to the making of motions and to a ventilation of the various opinions which committee members and perhaps counsel, because we are meeting on a common level, have about these motions, the Chair would like respectfully to suggest the adoption of a 5-minute rule by unanimous consent whereby, for one speaking period at least, no one among us talk longer than 5 minutes on one point. I recognize that would have to be done by unanimous consent, but I do think the matters before us are important, those who want to be heard should be heard, and if we can restrain ourselves by that device it should work in the interest of orderly procedure.

Is there any objection to the Chair's enforcing a 5-minute rule on that basis for this discussion?

Senator McCLELLAN. Mr. Chairman, a parliamentary inquiry.

Senator MUNDT. You may state it.

Senator McCLELLAN. Do you mean one 5-minute period or a circle of 5-minute periods?

Senator MUNDT. I would say a circle. If they want to be heard more than once, that is perfectly all right.

Senator McCLELLAN. I just wanted to clarify it.

Senator MUNDT. Is there any objection to that?

Senator DIRKSEN. No objection, Mr. Chairman.

Senator MUNDT. Will the timekeeper kindly instruct us accordingly?

The Chair will recognize Senator Dirksen of Illinois.

Senator DIRKSEN. Mr. Chairman, may I say first of all that I intend to leave at 4:15 to catch a plane to attend some funeral services out of town. Consonant with the discussion we had this noon, I hereby make this motion which is not reduced to writing, Mr. Chairman, but I believe its context will be clear.

I move that as an accepted fact we take judicial notice of the Presidential directive or letter which was read into the record this morning, and in view of its impact upon one of the participants as a result of the impossibility of such participant making full and complete proof and presentation of his case because of the restriction upon witnesses who may have knowledge of information that are relevant or material to the countercharges and the answer that was made by Senator McCarthy, I move you, Mr. Chairman, that this committee recess until Monday morning next at 10 o'clock for the purpose of exploring that matter to see where we are.

If there is a second to that motion—

Senator POTTER. I second it, Mr. Chairman.

Senator MUNDT. The second is heard by the Chair. The second is made by Senator Potter, of Michigan.

Senator DIRKSEN. Now, Mr. Chairman, I wish to discuss it very briefly. In a well-turned Bostonese phrase that we have had from Mr. Welch, he has spoken on many occasions about traveling or plowing the long, hard furrow. Mr. Chairman, that furrow could become the solitary furrow of frustration if we put on witnesses day after day and heard testimony only to discover at the end of the trial that

the interdiction upon the calling of certain witnesses that Senator McCarthy would deem material to his cause still stood and the proof in the case could not be completed. We would be in the unhappy position of litigants in a lawsuit where proof finally on one side could not be fully established. The result would be inconclusive indeed. So much of the work of the committee would not only prove a frustration but frankly, Mr. Chairman, I do not see how this committee sitting as investigators and judge and jurors could finally make a finding and make a report with the proof incomplete.

Under those circumstances and because of the effect of this letter upon witnesses that cannot be called to testify, I earnestly admonish the committee that the prudent and the reasonable thing to do at the moment is to take enough time to explore the full impact of this Executive order to determine whether or not there are any modifications or exceptions to it and to make that determination before we go further down this road.

That is all, Mr. Chairman.

Senator MUNDT. The Chair will recognize any other member of the committee who wants to be heard, and, after that, members of any of the entities involved in the dispute who might want to be heard.

Senator POTTER. Mr. Chairman?

Senator MUNDT. Senator Potter.

Senator POTTER. Mr. Chairman, I seconded the motion made by Senator Dirksen. I seconded the motion because it was understood that there has been no effort made by any member of the committee, no desire expressed by any member of the committee, that this would end the hearing. But we have reached an impasse where the Executive order has precluded one of the principals from participating as fully as he deems necessary to present his case. The committee ruled at the beginning that motive was an item which could be considered by the various principals in the case. This principal believes that motive could not be proven because of the Executive order.

It is not our position at this time to judge whether the Executive order is correct or not. It is a fact that we have an Executive order which prohibits the committee from having the information on the conversation that took place in the office of the Attorney General. I believe that all members of the committee expressed themselves that this question must be resolved before we can continue on. If we continue with the hearing and bring out other witnesses with this hanging over our head, it will frustrate the hearings more than they have been frustrated already, and we will end up still in a cloudy area where it will be most difficult for the committee and for the public to reach any conclusion based upon fact. Therefore, it is my hope that as a result of this recess members of our committee, in conjunction with responsible leaders in the executive branch of Government, will be able to resolve parts of this controversy, and that the hearing may continue so that the facts may be ascertained for the benefit of the committee and the general public.

Therefore, I seconded the motion made by Senator Dirksen.

Senator MUNDT. Senator Symington, you addressed the Chair. Do you want to be heard?

Senator SYMINGTON. Mr. Chairman, I have written a short statement, hastily here. I think this proposed action to recess the hear-

ings at this time is completely unfair. Secretary Stevens has been subjected to an ordeal that has few parallels in our congressional history. Army Counsel Adams has been questioned vigorously over some days. To adopt this transparent device now to let the other side avoid the necessity of taking the stand in public, and inform the American people of the facts under oath, is a flagrant denial of fairness and justice. For some days, leadership in the Senate and the administration have been anxious to see these hearings recessed if not terminated. They would already have been recessed or terminated now if Secretary Stevens had not stood up to his responsibilities. If you carry this proposed action to its logical conclusion, any legislative investigation of this character could be stopped by Executive directive. I predict that if these hearings are recessed because of this Presidential directive, and the directive is not withdrawn, they may never start again and, therefore, I recommend we go ahead with other Army witnesses besides Mr. Adams, who are here ready to take the stand. It is my belief the American people will regard this latest development as but the first step in a possible whitewash and therefore I will have no part of it.

Senator MUNDT. Any other members of the committee?

Senator Jackson.

Senator JACKSON. Mr. Chairman, my own personal view is that we could proceed to hear the balance of the witnesses that I understand will be presented or can be presented by our counsel in connection with the so-called Army side of this controversy. I frankly have grave misgivings about the need for any recess at this time. But in a spirit of fairness, and if it is possible for appropriate people to get in touch with the White House, so that this order can be modified, I would be willing to make a substitute motion that the committee stand in recess until 10 o'clock this Wednesday morning. If this Executive order is going to be modified, it will be modified by that time. I do not believe we need a full week to take up this serious question raised by the issuance of the Executive order as of today. I would therefore like to move, as a substitute, that the committee stand in recess until Wednesday morning at 10 a. m. I believe, while this motion may be against my better judgment, I believe it is fair, in the light of the serious questions raised by the proposed Executive order, or by the Executive order.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, this is not an easy decision to make. I think it is very unfortunate that such an Executive order has been issued. I think the issuance of this Executive order is a serious mistake. If such an order was to be issued, I think it should have been issued long ago and we could have known then that a part of the truth possibly would never be available to this committee. We could have determined then whether we would undertake these hearings under those conditions. But there have been repeated statements made from both sides and from all participants that they wanted to get the whole truth. That has been my purpose. But if this order prevails, if it is not modified or rescinded, I am convinced now we cannot get the truth, the whole truth, because the witness who is now on the stand is precluded from telling us whether the responsi-

bility shifted from the Secretary of the Army after the conference on January 21 or 22, or if it still remained there.

Mr. Chairman, I want to be fair, too. As far as I am concerned, I disagree with the President's Executive directive at least to this extent: My interpretation of it does not prohibit this witness from telling when his responsibility ceased for his acts and when the responsibility of the Secretary of the Army for his acts ceased. Unless, Mr. Chairman, we can determine that, then we are precluded from pursuing the truth in this controversy.

But in order to be fair, to give the administration the opportunity to reconsider the action it has taken, I am willing to vote for the substitute motion.

Mr. Chairman, I remind you and my colleagues that we have heard at this investigating table, day after day, that these proceedings are holding up the work of this committee in a very responsible field of investigating communism and subversion in government and, Mr. Chairman, if we recess over until Monday we are delaying it that much longer.

I do believe those responsible for this Executive order can reconsider and either confirm the action that has already been taken or modify or rescind it within 48 hours from this time.

My belief is that if this order stands as it is now, it means these hearings are terminated.

I must say, Mr. Chairman, in my opinion that is a pretty grave responsibility for the administration to take, to stop these proceedings now.

Therefore, with the purpose of being fair and considerate and giving an opportunity, as I believe, to correct an error, I shall vote for the substitute motion, and therefore I second the motion, Mr. Chairman.

Senator MUNDT. Senator Dworshak, do you wish to be heard?

Senator DWORSHAK. Mr. Chairman, my remarks will be very brief.

I have tried to maintain an unbiased approach in these hearings so that we might arrive at a just and equitable conclusion. I do not think there is any justification for making the charge or implying that any whitewash is involved or that any attempt is being made at this time to prevent Senator McCarthy from taking the stand for as long as the members of this committee or the counsel desire him to answer questions.

I supported the proposal recently to expedite the hearings so they may be terminated as quickly as possible when all the facts were ascertained. That was an unsuccessful effort. I think now, with this development involving the Executive order of the President, it is extremely difficult for the members of this subcommittee to delve into the various aspects of this controversy, because obviously a hobble, shackles, would be placed upon some of the witnesses, making it extremely difficult for the members of this subcommittee to know what the motive is and what is actually back of this entire controversy.

I think at a time like this, when we reach an impasse, it is highly desirable to have a brief recess to explore all of the possibilities of renewing the hearings on a basis that will make it possible for the subcommittee to reach an equitable conclusion. I do not think that

this proposed recess in any way will serve to sabotage these hearings or prevent Senator McCarthy from appearing or in any other way to prejudice them so we cannot arrive at the kind of verdict that the people of this country will approve.

On this basis, I think we must recess and resolve these extreme difficulties which we encountered today.

Senator MUNDT. The Chair would like to read the original instructions of charges and countercharges which he read the first morning, which were worked out in collaboration with Senator McClellan and our counsel. It was agreed I should read them as representing the committee position so we can have the framework of this discussion clearly before us.

I said then in behalf of Senator McClellan, Counsel Jenkins and myself that:

The purpose of investigating charges heretofore made by Secretary of the Army Robert T. Stevens and his counsel, John G. Adams, and formalized in a document dated April 13, 1954, and filed with this subcommittee and in which a general charge is made that Senator Joseph R. McCarthy as chairman of the Permanent Investigation Subcommittee, its chief counsel, Roy M. Cohn, as well as other members of its staff sought by improper means to obtain preferential treatment for one G. David Schine, United States Army.

and so forth.

I point out that the charges, as we thought at the time, were charges heretofore made by Secretary of the Army Robert T. Stevens and his counsel, John G. Adams.

The answer which Mr. Adams has been unable to give because of the Presidential directive, to a question asked by Senator McClellan, precludes us from knowing whether or not those original charges were based on the proper premise. I read further:

It is the further purpose of this subcommittee to investigate countercharges by Senator McCarthy, Cohn, and other members of the staff against Mr. Stevens, Mr. Adams, and Mr. Hensel. These countercharges were formalized in a statement signed and filed with the subcommittee under date of April 10, 1954, in which they generally alleged that Mr. Stevens, Mr. Adams, and Mr. Hensel attempted to discredit what is generally referred to as the McCarthy Investigating Committee and to force a discontinuation of further attempts by that committee to expose Communist infiltration in the Army, and in which it is further charged that Mr. Stevens and Mr. Adams made constant attempts to trade off preferential treatment for Private Schine as an inducement to the subcommittee to hold its exposition of the mishandling of Communist infiltration in the military—

and point out that until we can get some kind of answer from Mr. Adams as to what occurred at that luncheon, if there was a shifting of responsibility, it may well be that the committee has been asking the wrong questions of the wrong people for a long time in these hearings.

Because of that difficult situation, it seems to me that it is wise that we take some time to consult with the Attorney General and with the White House, to see whether or not there cannot be a modification, or an interpretation, or an understanding of the Executive order, which will permit Mr. Adams and those associated with him at that meeting to testify on the pertinent points so that we can be sure whether or not we have been proceeding on proper and firm ground in the hearings up to this time. So we proceed with the interrogation of Senator McCarthy and Mr. Cohn, we can be sure of the background in order that the questions can be pertinent to the case. In the executive ses-

sion, it was discussed that it would be well if the counsel for the committee and the Chair approached the proper authorities in the executive department to see whether there could be such a modification or reinterpretation. I think that we want to continue these hearings until we get all of the truth. As is well known, the Chair departed from the accustomed company of his three Republican colleagues one day, and voted in the unfamiliar company of three of his Democrat associates, in order to provide that we could continue until all of the facts were provided.

The Chair believes that a recess at this time may be conducive to a rearrangement of situations so that we can continue to get out all of the facts, and he is well aware of the validity of that portion of the remarks made by Senator McClellan that we labor under a very difficult handicap in our search for truth if we are unable to bring out certain of the facts which Mr. Adams now feels he is unable to provide because of the Executive order. Having said that, the Chair would simply say if we are going to recess at all, he thinks we should recess until Monday. The President is a very busy man. He has the problems of Indochina on his hands. He has a great many conferences. I think it is completely unreasonable to expect that we can go down there without any advance notice, and by Wednesday morning, in about 24 hours, reach a type of understanding, essential for the proper continuation of these hearings. He believes that the White House and the Attorney General would want time to read a considerable amount of the transcript, the significance of the charges and countercharges, to have the full background before them before they wanted to reevaluate, if reevaluate they will, their determinations. So, if it is in the interest of truth and fact to get out all the information, as the Chair believes it is, it is certainly in the interest of those basic goals to provide a time limit, to have a reasonable opportunity to present the full impact of this Executive order upon those who made it, and to get a reasoned and careful reply in return.

Senator DIRKSEN. I move we vote.

Senator MUNDT. The Chair believes he should give an opportunity now, as is the custom of doing, to Mr. Welch and Senator McCarthy to make any statement they might care to or to voice any protest they might care to voice, concerning the contemplated action of the committee. I will call on Mr. Welch first.

Mr. WELCH. Mr. Chairman, as everyone knows, if I am anything, I am just a trial lawyer who came to Washington hoping to try a case. At this moment, I am neither blind nor deaf. No one sitting in this chair could hope to summon words so persuasive or so golden as to influence a single vote on this committee. I therefore confine myself to the only thing where I have any choice, and that is whether we have an adjournment for 48 hours or until next Monday. On that, the Army stands indifferent. But this I wish to say: When the adjournment ends, the Army will be ready.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. Mr. Chairman, I think that the President when he signed this order, is, No. 1, a reasonable man, No. 2, a fair man. I doubt that with all the work that he has before him, that he had any complete conception or picture of what he was doing. I think we should bring to his attention the fact that his order provides, in effect, that where the machinery was set in motion to initiate the

smear charges against Mr. Cohn, Mr. Carr and myself, if his order stands we will be forever precluded from finding out who was responsible, who was the initiating force. I think this is doubly important, Mr. Chairman, because of the testimony heretofore taken to the effect that Mr. Brownell, the Attorney General, Mr. Rogers, the Deputy Attorney General, were present at that time and that at least some of the action taken by Mr. Adams was a result of suggestions from Mr. Rogers. As the Chair knows, a suggestion from the White House is the same as an order. I think we must know what part either the Attorney General or the Deputy Attorney General took in this. May I say at this time I am completely in the dark. I don't know. I think it is extremely important, because each day we send to the Attorney General a transcript of the record. I know that when we get through with this testimony, the testimony of witnesses will be diametrically opposed.

I know that someone will have to have his case presented to a grand jury for indictment for perjury. In other words, when my testimony has ended, either McCarthy will be guilty of perjury, or some of the other witnesses in this case will be. The Attorney General must pass upon that. Therefore, I think we must know what party took in this whole picture.

It is also important, Mr. Chairman, in view of the fact he has been called upon almost daily to give an opinion as to what documents can be admitted.

I would like to, if I may, say this, that if this were in a court of law, Mr. Stevens and Mr. Adams having finished their testimony, if this were in a court of law I would move for a directed verdict. Before a committee, such a procedure is not possible.

As the Chair knows, No. 1, there were charges against Mr. Francis Carr, my chief of staff, a young man who was head of the subversive squad for the FBI until the night before he came to my committee. It has now been established by the testimony of the two principals, Mr. Adams and Mr. Stevens, that Mr. Carr is guilty of nothing except remaining silent when McCarthy and Cohn were talking. I think the committee is acquainted with both McCarthy and Mr. Cohn, and I don't think it is a crime to be unable to get in a word while we are talking.

That seems to be the only crime Mr. Carr is guilty of. It is a very serious charge against this young man. I think we must find out who initiated that, who was responsible for it. It was fraud upon the committee. Whoever is responsible is guilty of contempt of this committee.

May I just take a minute now to review the testimony in so far as Mr. Cohn is concerned.

The testimony of Mr. Adams and Mr. Stevens up to this point is that he used strong language. But the only act he was guilty of were two acts; No. 1, he made Mr. Adams take a cab to go to the depot, let him out, in New York, let him out of the car and, No. 2, that he was unable to induce me to call off the subpoenas for the loyalty board.

Outside of that there has been no testimony of any improper act on Mr. Cohn's part. I think it is a very serious charge here, to try and rob this young man of his reputation, a young man who has a tremendous record, as the committee all knows, a record of taking an active part in the conviction of the Rosenbergs, the Communist

espionage agents, of the top Communists who were convicted, William Remington, and presenting almost single-handedly the testimony to the grand jury which resulted in the discharge of some thirty-odd, I believe, from the United Nations, Communists.

For that reason, Mr. Chairman, I think it is of the utmost importance that this order be rescinded. Unless it is rescinded my hands are completely tied. There is no way that I can go into the question of motive.

As the Chair knows, in conclusion may I say this, that as the Chair well knows, I have taken the position time and again that this hassel was called on, called into being by individuals who wanted to discontinue the exposure of Communists in Government, and to avoid the exposure of those responsible for the coddling of those Communists. Whoever had that in mind was successful, because, as the Chair knows, we haven't been doing anything for the past few weeks, except going into this question of Schine's shoes.

But I think we have a situation much more important than that now. I think the committee would want to know who was responsible for the planning, the guiding, of that activity which resulted in a vast waste of time on the part of this committee and the military.

So may I say I approve of the Chair or someone getting in touch with the President, and I think that he is a reasonable man, to try to induce him to rescind this order so we can proceed with our hearings. Whether it is a matter of days or weeks I frankly don't care.

Senator MUNDT. The Senator's time has expired.

Does any other member of the committee want to say anything further before we vote?

We have before us the two propositions, and the vote will occur on the substitute proposition first. The Chairman would like to say only this before the vote is taken: Since it seems that he has been singled out by virtue of his office to make the contact, to try to find out if we can develop a formula of procedure which will enable us to get the facts we want and the facts we need, despite the Executive order, he pleads with his colleagues to give him at least a reasonable amount of time so that there can be a reasonable chance for success, because I think we all want these hearings to continue, and we want to get out all the facts. To do that, I feel it would be utterly unreasonable to expect to have all of the various ramifications adequately considered short, certainly, of several days. Twenty-four hours would be woefully inadequate.

May the Chair say finally: Neither of these motions, the one to recess for a day until 10 o'clock Wednesday, or the one to recess until 10 o'clock Monday morning, even remotely implies a discontinuation of the hearings. There is nothing in either of them which says that the hearing is over. Both of them are directed to the objective of trying to find some *modus operandi* by which we can continue to get out all of the facts.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington.

Senator SYMINGTON. Mr. Chairman, if I agreed with your premise that the hearings could not go along with other Army witnesses prior to a decision—which presumably could be expedited, if made at all—then I would be very glad to extend the time in order to do what apparently you wish to do, namely, take this matter up with the

White House; but inasmuch as I do not agree with your premise that the hearing can't go along properly until the decision is made, and if it is to be made I agree it would be made soon—therefore I believe the hearing should go on with other Army witnesses.

Senator MUNDT. Does any other Senator want to be heard before we vote? If not, the question occurs first on the substitute offered by Senator Jackson, seconded by Senator McClellan, that we recess until 10 o'clock Wednesday morning. Those in favor will respond by answering "aye."

Senator McClellan?

Senator McCLELLAN. Aye.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. No.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Aye.

Senator MUNDT. Senator Potter?

Senator POTTER. No.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No.

Senator MUNDT. The Chair votes "no."

The question now recurs on the motion made by Senator Dirksen and seconded by Senator Potter, that we recess until 10 o'clock Monday next. The Chair will call the roll.

Senator McClellan?

Senator McCLELLAN. No.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No.

Senator MUNDT. Senator Potter?

Senator POTTER. Aye.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Aye.

Senator MUNDT. The Chair votes "aye."

We stand in recess until 10 o'clock Monday morning.

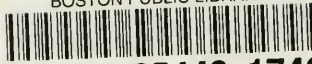
(Whereupon, at 3:50 p. m., the hearing was recessed until 10 a. m., Monday, May 24, 1954.)

INDEX

	Page
Adams, John G.....	1278, 1280, 1282-1284
Army (United States).....	1280, 1282, 1283, 1285, 1286
Army counsel.....	1278, 1280, 1282-1284
Army witnesses.....	1280, 1285, 1286
Attorney General.....	1279, 1282-1284
Brownell, Attorney General.....	1284
Carr, Francis P.....	1284
Cohn, Roy M.....	1282, 1284
Communism and subversion in Government.....	1281
Communist espionage agents.....	1284, 1285
Communist infiltration in the Army.....	1282
Communists.....	1281, 1282, 1284, 1285
Communists (United Nations).....	1285
Communists in Government.....	1285
Counselor to the Army.....	1278, 1280, 1282
Deputy Attorney General.....	1284
Executive directive.....	1280
Executive order.....	1279, 1280-1283, 1285
FBI subversive squad.....	1284
Federal Bureau of Investigation (FBI).....	1284
Loyalty board.....	1284
McCarthy, Senator Joe.....	1278, 1279, 1281-1284
McCarthy committee.....	1282
McClellan, Senator.....	1282, 1283
New York City.....	1284
President of the United States.....	1283, 1285
President's Executive directive.....	1281
Remington, William.....	1285
Republican colleagues.....	1283
Rogers, Deputy Attorney General.....	1284
Rosenbergs.....	1284
Schine, G. David.....	1282, 1285
Secretary of the Army.....	1280-1282, 1284
Senate of the United States.....	1280
Stevens, Robert T.....	1280-1282, 1284
Subversive squad (FBI).....	1284
United Nations Communists.....	1285
United States Army.....	1280, 1282, 1283, 1285, 1286
United States Attorney General.....	1279, 1282-1284
United States Deputy Attorney General.....	1284
United States President.....	1283
United States Senate.....	1280
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